



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 14 1996

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Robert N. Steinwurzle
Swindler & Berlin/ABR
3000 K Street, N.E., Suite 300
Washington, D.C. 20007

Dear Mr. Steinwurzle:

In the recent May 10, 1996 Notice of Data Availability (NODA) (61 FR 21418), EPA stated that slags from the processing of lead acid batteries would not require further treatment because they were the output of a treatment process for which EPA had established a designated method of treatment (55 FR 22565-22569). It is EPA's usual interpretation that "[w]hen EPA specifies a treatment method as the treatment standard, residues resulting from the required treatment method are no longer prohibited from land disposal unless EPA should otherwise specify". 55 FR at 22538 (June 1, 1990). However, in the case of slag from the recovery of lead in lead acid batteries, EPA said:

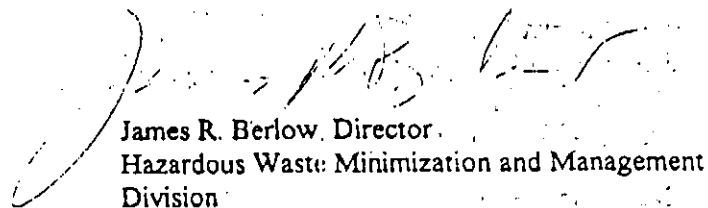
"Other commenters questioned whether the slag or matte from recovery processes would need further treatment... The residuals from the recovery process are a new treatability group (i.e., the residues are not lead acid batteries) and therefore their status as prohibited or nonprohibited is determined at the point the residues are generated. Such residues would thus only be prohibited and therefore require further treatment if they exhibit a characteristic." (55 FR at 22568). In other words, the Third Third rule states that if these residuals exceed the characteristic level of 5.0 mg/l for lead, then such residuals would be required to meet the treatment standard prior to land disposal.

EPA thus mischaracterized the current regulatory status in the NODA and for that reason is specifically requesting, by means of this letter, substantive comment on the appropriate treatment standards for slags resulting from the recovery of lead acid batteries. The Agency is currently reviewing data submitted by Battery Council International as well as Resource Consultants regarding treated and untreated battery slag. Commenters also can address the interpretive issue of whether any numerical treatment standard is appropriate for slag that results from the specified treatment method, RLEAD. EPA, however, is not reopening the general question of numerical standards for wastes (other than the slag specifically at issue) resulting from designated methods of treatment.

2

I apologize for the confusion our NODA discussion caused on this issue. Comments on the specific issues discussed above should be submitted in writing no later than July 12, 1994, to RCRA Information Center (5305W), Docket Number F-96-P43A-FFFFF, U.S. Environmental Protection Agency (5305W), 401 M Street, SW, Washington, D.C. 20460. For further information on this issue, please contact Mary Cunningham of my staff at (703) 308-8453.

Sincerely,



James R. Berlow, Director
Hazardous Waste Minimization and Management
Division